

Dear Commissioners,

Please accept my submission to the Independent Planning Commission SSD-5765 Bowdens Silver Project.

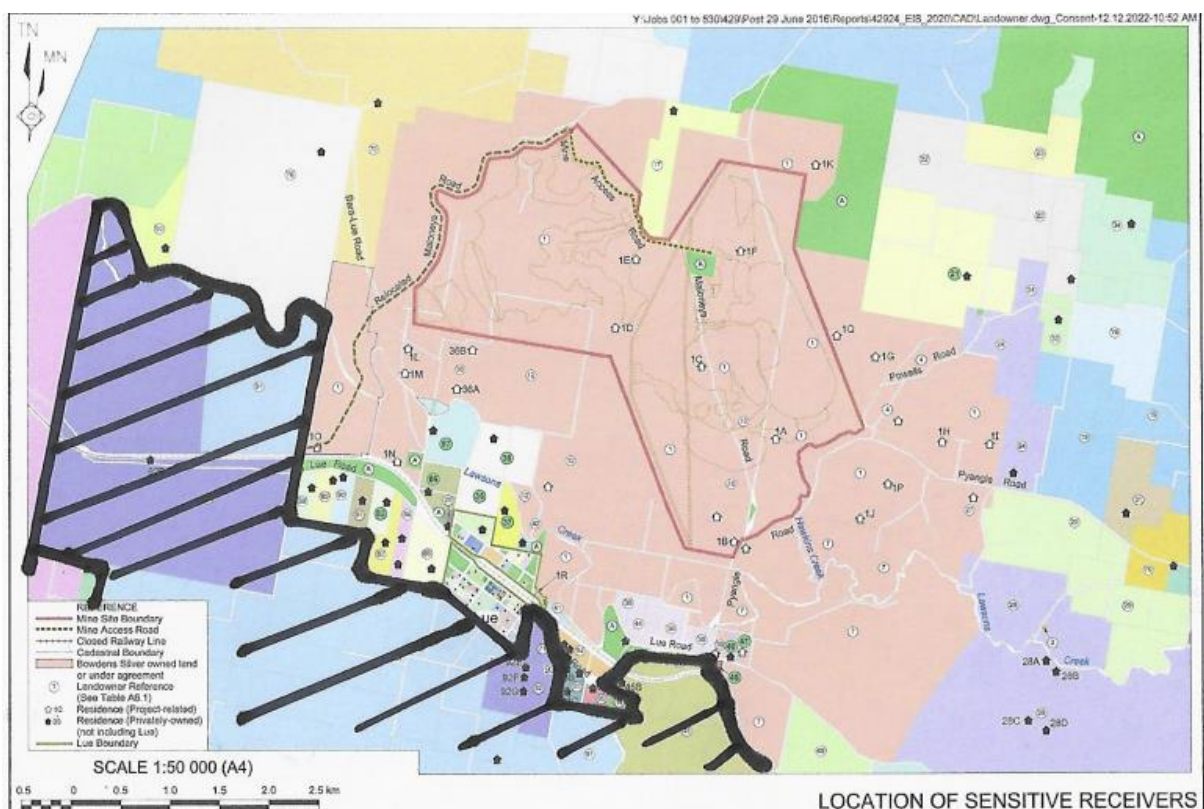
I hold many roles in my community. I make this submission on my own behalf, not as a representative of any group or organization.

However, I am the President of the Lue Action Group. I respectfully request the Commission carefully read and consider the Lue Action Group submission and expert reports.

I have made previous personal submissions to the Project. These can be found under my name on the DPE website. I apologize for any repeat comment.

I have been involved in the project for considerable time. I believe I am well across the issues. I am a neighbor to the project. I was saddened that the DPE did not recommend the IPC visit our property. We will see the project, we will hear the project and we will most likely be impacted by dust and traffic. Our property will be one of the most affected by water use and contamination. We will not benefit whatsoever from this project.

The map below indicates the location of our property in relation to the Proposed project. Our property has 7 residences.



This Project is not compatible with the current local land uses of Agriculture, Tourism and Lifestyle.

Section 4.2 Permissibility. No industry is permitted in this zone. Industry is Prohibited. Industry is economic activity concerned with processing of raw materials and manufacturing of goods in factories. The DPE fails to recognize “processing” as a separate component of the project.

A processing plant to process raw materials should not be considered.

The processing is causing many of the issues with the project.

- a) Processing is the reason for use of large quantities of water.
- b) the requirement for large quantities of electricity that have not yet been determined.
- c) night light
- d) noise
- e) dust
- f) traffic
- g) freight
- h) Chemicals
- i) TSF is the waste dump for the processing plant.

If the Zoning rules were implemented and processing was prohibited, some of the major problems with the mine would be removed.

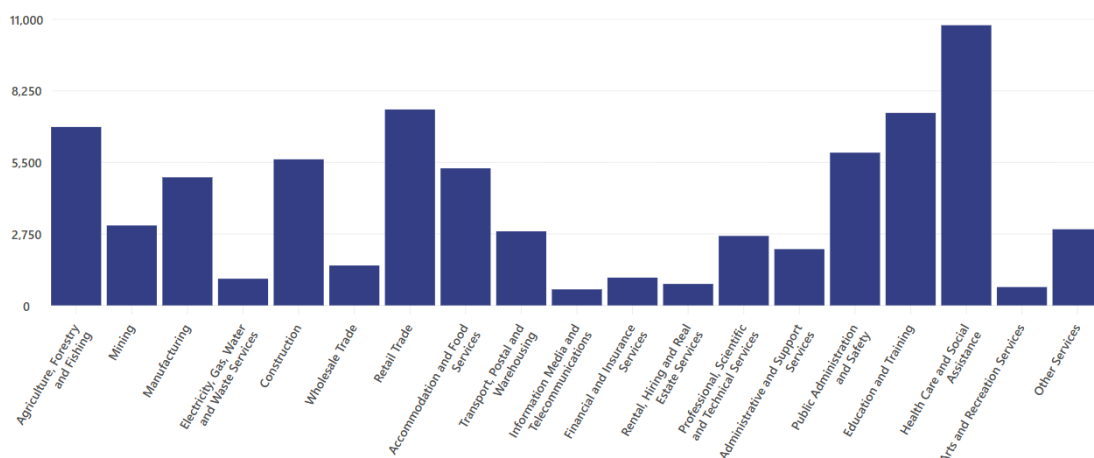
I suggested at the CCC some time ago to move the processing plant further away from the community. What should have occurred was that the processing should have been removed from the site altogether.

Executive Summary in the Assessment the Department of Planning page 3. Mining contributes to 23% of the Central West regional economy. The table below would dispute this. The Central West Region of NSW is renowned for its food and wine and excellent Agricultural Produce. This is also considerably different to the Bowdens claims of mining economic share. Mr. McClure trying to prove justification of a toxic mine in a highly populated and greenfield area in the Central West of NSW by using national percentages is misleading.

Major Industries

Unique in its diversity of economy, the Central West Region of NSW is rich in natural resources with agriculture, mining and tourism significant drivers of jobs and opportunities. Increasingly, health and education have taken on a significant role in the region's economy.

The agriculture and mining industry output is underpinned by abundant natural resources within rich soil and mineral deposits. Additionally, varied topography and climatic conditions across the region provide various opportunities ranging from forestry, cool climate produce, dairy, sheep and beef livestock, as well as a variety of irrigation and broad acre crops.



Data obtained from AEC Group.

In the Assessment Summary, The DPE describe that the Bowdens Project will target only 30% of the mineral resource at the site. The Department alludes to the possibility that more of the resource may be extractable without any factual evidence this is possible. The DPE makes mention that increases may occur without the mention that decreases may occur for the same reasons.

What if the price of Silver falls? The volatility of Silver price is well known.

Even when we consider what is permissible within the zone, the DPE make mention of AMD in the assessment summary and that they have recommended a range of strict conditions but do not implement any proven measures for the containment of AMD. Rather, leaving it to the project to create a plan. These plans should have been prepared already. By not having the plan now allows the DPE and the Project to bypass any IPC or community scrutiny prior to approval.

Preventing AMD can be done by Characterization and treatment. Any acid producing material (rock or tailings) can be fully neutralized by reacting with caustic soda. It can also be done with Lime, but it is not 100% effective. Caustic soda can give 100% neutralization. The only known way to treat AMD is through a treatment plant and then the material needs to be buried underground below the water table. It happens in other parts of the world. It is expensive but future generations will not have to manage our mistakes if it is done. Knowingly avoiding the mitigation methods and leaving environmental problems for our children is irresponsible. Remembering that the Bowdens site is at the top of the Macquarie, Darling Murray Basin.

Social Impacts.

The DPE refers to community support and submission numbers for the EIS in the assessment. The EIS was submitted two and a half years ago. Currently, Bowdens Mine is the talk of Mudgee and the project is failing the coffee shop, hair salon and pub test. The community is only just now understanding what may happen and how the community has had the wool pulled over their eyes. The SIA for the EIS was done 5 years ago.

The community know there is a risk of Lead and other contaminants, and they don't want it in their area. They acknowledge that jobs are important, but many do not agree that the tradeoff is acceptable. Lead dust is an unacceptable risk to be placed on the Community and Environment.

I was a member of the CCC and while representatives of the Lawson Creek Community were jumping up and down, Bowdens Silver ignored us and ploughed on with their plans for a conventional method mine, bring in the explosives, blow it up, dig it up, put it in a truck. But then we hear the idea that it will process that ore with 43,700 tonnes of chemical including 2370 tonnes of Sodium Cyanide, that vast amounts of water will be used, that the precious water will be contaminated, that a big hole will be left and that the processing waste will be swept under the carpet or had put a tarp over it. This process is then called best practice. The consultation with the local community which should have led to innovative and cooperative solutions has been totally unsatisfactory. The associated Industry that is proposed should never have been considered.

The DPE admits, assessment executive summary, that impacts on sense of place and rural way of life would be inevitable. Of course, they are inevitable if you permit prohibited activities within the zone. Mining itself is inherently destructive and offensive but when you add the industry associated with it, it becomes abhorrent.

There should be no “fortunes of war” attitude or “all for the good of the cause” thinking. The Lawson Creek Valley and the Village of Lue is going along fine right now and has been for 200 years. Any suggestion of impact must be met with a rejection of the project or considerable and not negotiable conditions of consent. The conditions recommended don’t go half enough to mitigate the problems or compensate the affected. They do not consider the environmental damage into the future.

Support for the mine is decreasing as more people learn the true risks it will impose on our community. Additionally, the reality is that nearly all the Lawson Creek Valley, those that live there and operate business here, those that will potentially be impacted do not support it. Drive along Lue Road and read the signs on peoples properties. You heard some of them speak during the IPC Hearing. Only one Lawson Creek resident (an employee of Bowdens) spoke in favor. All other speakers who were residents or business in the Lawson Creek Valley spoke against the project. Further, Farmers, Doctors, Veterinarians, Health Workers, Environmental specialists, Teachers, Business owners, Viticulture and Tourism representatives, Aboriginal representatives, intelligent and highly respected persons in our community spoke in opposition of the project.

The level of anxiety was blatantly evident. Additionally, it takes extreme courage to stand in front of the Commission and speak. I spoke to several speakers that said they were almost physically sick after their presentation. For people to undertake such a task demonstrates their concern for what they were speaking about.

I can see a Long and drawn-out period of conflict and anxiety for the Lawson Creek community. Most likely its destruction if the mine with its associated processing plant is approved.

The Mine would erode the social fabric of the Lawson Creek community and all that goes with it. I do not know of one Bowdens employee or associated contractor that has moved to the Valley to live. In the 7 years since Bowdens have owned the project, I have seen nothing but loss of community. The DPE concludes in item 382 that the population has been reduced by 21 people. We could reasonably expect this to continue. The current history of Social Impact is plainly on record, and it is dreadful.

Additionally, the DPE again recommends a Social Impacts Management Plan (SMIP) to be prepared to address Social Impacts. Once again, moving the decision away from IPC and Community scrutiny.

What if the SIMP reveals unacceptable and irreparable impacts? Will the mine be stopped then? I doubt it. We will just see the slow painful death of another small rural community for the sake of another short term mine whose toxicity will last for centuries.

Read 173 of the assessment where the pit lake will become increasing saline due to evaporation, reaching 5,695 Total Dissolved Solids after 500 years and presumably continuing.

Water

Water has always been the Key component to the success or failure of this project and is the most important issue.

Some of the components of the water issue are, Water quantity for the project to succeed, water supply to ensure no impacts occur to the neighboring and downstream users, water containment on site to ensure off site water quality. Environmental, Social, and Economic issues.

In the assessment recommendations the DPE recommends that if the water is affected Compensatory water must be supplied. They openly suggest that water is an issue, but they allow modelling to occur using data that does not come from the Local area and then implement a condition that is totally unworkable. How would the Project deliver compensatory water? Where would they get it from? When would they supply it? These are not practical solutions for anyone. These are band aid measures that totally fail to address the water issue for both the affected surrounding landowners and the proponent. These kinds of solutions erode public confidence in the DPE. They increase anxiety and put the project, current business, and community at risk.

Again, this is not an Environmentally, Socially or Economically practical solution to the problem.

The local community know the water modelling is flawed. One only must look at the flow of Lawsons Creek and then look at the site on the Cudgegong River where flow rates for the water modelling were taken to get an understanding of how poor the assessment has been. This has led to poor solutions. It is crazy how someone sitting at a desk can create a model then give it to another person sitting at a desk to make an assessment, then give it to another person at a desk to provide a solution if it fails. I can tell you from my personal experience on the ground that the water requirements for the mine cannot be met from these sources. The water just isn't there. The water balance tables are not supported by local data. Key Viability-determining components of the mine have not been properly identified.

I make mention of some points from the assessment Page 23. Item 101. Water Demand and Supply.

Rainfall and Runoff supply are predicted to average;

924 ML/yr from disturbed mine areas

Clean water harvesting of 27 ML/yr.

Harvestable rights listed, Licensing item 133. Of the assessment. Bowden's permitted to capture 180.6 ML under its harvestable rights. Nevertheless, are predicted to take 951 ML/yr from Rainfall and Runoff.

These rainfall and runoff requirements constitute 51% of the average total supply for the mine. At year 10 of the project as described in Figure 8 page 24 of the assessment 53% of supply will come from rainfall and runoff sources. Rainfall and runoff are not a reliable water source in the Lawson Creek Valley. Reliance of 50% of water from rainfall and runoff does not demonstrate sufficient water for the Project. No actual flow or capture data from the Lawson Creek Valley has contributed to the model. What we know from local monitoring is that the flow levels for Lawsons Creek are not even half those used in the models.

During the period 1st of November 2022 to 22nd of February 2023 we have carried out a study of rainfall and runoff on our property Lue Station. I have always suspected there were problems with the rainfall and runoff modelling of the Bowdens Project. I felt it sensible to undertake some studies using actual events.

An area of no release of approximately 27 hectares was used for the study. This is approximately 4 km from the proposed project. During the period, 226 millimeters of rainfall was recorded at the site. This created 61 megaliters of water on the catchment during that time. However, we did not record any actual increase in stored water. The study revealed that there has been very low rainfall intensity, moderate wind, and hot weather, resulting in very low to almost zero runoff. The small

amount of runoff that was captured evaporated and has left us with less water stored than when we started. This also represents 30% of our annual average rainfall.

Using similar modelling to the project, the project would be expecting to have received approximately 308 ML from the 30% of their rainfall.

It should be noted that this is in stark contrast to the previous 4-month period where runoff was extremely high. This caused severe flooding in the area. Variability of runoff is the lesson to be learnt from these studies. It should not be used as a reliable water source.

Averages have been used to create the water availability models for the project. Lue has a highly variable rainfall. My family's property, Lue Station, where we have carefully recorded rainfall since 1883, has recorded 12-month rainfall quantities as low as 180 mm and up to 1425 mm. Using averages to create models allows severe risk to operations and to surrounding users.

Further, rainfall and runoff are significant contributors to water table sources in the fractured rock at Lue. I am not aware that actual pumping for considerable time has occurred to demonstrate actual availability of water in the water table at the site. Nor has this occurred to demonstrate actual water table flows and impacts from withdrawal. The model is based on estimates. During dry times, water table levels vary significantly if they are pumped continuously at Lue.

Any risk to water availability for the project must be considered as an extreme risk. Lawson Creek and Lue residents do not have any other water sources to rely on.

Although as mentioned in item 108 of the assessment, the proponent is willing to reduce production because of lack of water, this in turn will create increased risk of job security for employees, shareholder returns and ability to carry out dust suppression. Uncertainties will be, when will it rain and enable production to return? That is a totally unknown time frame. Risks of water supply will possibly impact other local land users as more strain will be placed on the groundwater and the already parched landscape. Empty catchment dams on the mine site will produce a delay in streamflow after a dry time as these dams will have to fill before they overflow and release. These issues have not been addressed in the assessment.

Harvestable rights are 180.6 ML but supply will be 951 ML. according to item 133 of the assessment. The permissible capture of water has been manipulated by creating no release areas to capture 100% of runoff and meet the mines water requirements. Conditions of consent should include a limit 180.6 ML capture. All other captured water should be suitably treated and returned to the environment.

Using harvestable rights for industry in this zone should not be permitted. Item 139 demonstrates 139 ML from Lawsons Creek Water source, but supply will be 951ML.

Project Water demand, assessment 104 is an open discussion. Presumably answered with a water Management Plan which neither the IPC nor the Community have seen.

The project projections will most likely use more water than all other users in the Valley put together and will therefore place considerable strain on any future development of current local land uses.

I also note water Quality to be of Major Concern. I note the DPE request 1% AEP 72-hour rain event mitigation requirements. I do not believe this to be a sufficient condition considering the risk of the impact if a breach in the tailings dam was to occur. The AEP should be determined by Local Farmer Rainfall records. They are sufficiently accurate. Lue Station measured 325mm in 36 hours in freak and isolated storm in February 2003. This far exceeds the projects AEP and would lead to

catastrophic failure of the TSF and Leachate management dams. This in turn would create irreversible environmental damage and risk to community health and ecology. I was told by RW Corkery representatives that if a duck landed on the tailings dam it would only do it once. A breach of the TSF is not an option and must be totally ruled out.

The department recommends a Water Management Plan. B47.

Once again, the DPE recommends the creation of a Water Management Plan and does not allow the community or the IPC to access the plan or provide any comment or scrutiny prior to approval.

Noise.

Noise is a major destroyer of communities.

Administrative Conditions Recommended Part A. Should be amended to absolutely protect the community from noise.

My residence is 3.4km to the Bowdens Homestead and 4.2km to the proposed tailings dam. We hear drilling rigs from Bowdens clearly from here. I can hear a cow cough at 2km! I hear cows and sheep in distress from long distances away. If you lift the ambient level of noise, how will I hear my livestock? How will I know if they are in distress? By phone? Many of my business practices will be impacted if the ambient noise levels are lifted and I should be compensated. We have used these practices for the past 100 years. This project is in direct conflict with my current land use.

I am also confident noise levels will be significant at my home and across my property and will destroy the peaceful rural amenity that we know and love at Lue. If I will be impacted, so will many others in and around Lue Village.

PART B. Noise Criteria.

Due to the current Local Land uses, it is unreasonable for only "Residents" to be recognized in this condition. This is a rural lifestyle area. B2. A.(1) must include all non Project lands. I.e. Why should someone running a farm, operating a tourist business or even having a picnic or enjoying their local environment or private land be subjected to excessive noise levels? This is a rural community where people enjoy the outdoors, not a town where people spend considerable personal time inside or near their home.

Blasting Hours B12.

Blasting hours are too broad. Many elderly residents have a nap after lunch. Blasting should be reduced to 10am to 11am.

Page 11. B15 recommends a radius of 2km from any approved open cut pit. This should be amended to any Lue and surrounding resident. There is no evidence that exactly 2km would be the absolute maximum of any effect from blasting.

The reality is that this mine just 2km from a village where people live and have lived and cared for forever, we should not be subjected to blasting. How would you like it? We are a quiet rural community that respects our land and environment. To listen to someone destroy it is a slap in the face, every time you hear it. Put yourself in our position and ask yourself how would you feel listening to the BOOM and then rattle of your home and your lands every day except Sunday? The tourists do not want to hear it either.

The DPE talk about the respect of Cultural Heritage. What a load of Rubbish. They have no idea how to protect Cultural Heritage.

Once again, the DPE suggests the Project must prepare a Blasting Management Plan. This will avoid the scrutiny of the IPC and our Community prior to approval.

Bush Fire Management.

As Captain of the Lue Havilah RFS I would like to express my concern for Local RFS services.

I make these comments as the Captain of Lue Havilah RFS. I have been an active member of the Rural Fire Service for 41 years. I am not a spokesperson for the NSW Rural Fire Service.

Lue Havilah RFS is one of the Strongest Brigades in the Cudgegong Region. Lue Havilah RFS is in a high fire risk area. Lue Havilah Brigade area comprises some 230 Square Kilometers.

Members are Agricultural Landowners and Village Residents. Long Term Residents make up all the Experienced Crew Leaders in the Brigade and there has been significant erosion of Executive Brigade members since Bowdens came to town. The President and Secretary left due to expected mine impacts. The Senior Deputy Captain and Catering Officer were bought out by the Mine.

It is well known that when mines move into the area, the people move out. When RFS Brigades lose their volunteers, areas become vulnerable.

Lue Havilah RFS have refused sponsorship from Bowdens because they felt they were being used. By accepting Bowdens support they felt the obligation to support the project.

At a fire incident recently near the Bowdens site, Bowdens Staff did not assist, left work. When the RFS crews left the incident they had to travel through the Bowdens property. Bowdens had locked the gates and subsequently locked the RFS inside the property.

I would recommend conditions to ensure RFS Capacity and resources remains strong.

Water security is critical for firefighting. Water quality is also a major factor. RFS Firefighters need good quality water for RFS member safety. TSF or Leachate dam water would not be suitable for firefighting. Good quality water in dams is critical for air attack firefighting. Air attack firefighting has become an important tool in fire control.

Fires are at their worst when it is dry, and water is scarce.

Volunteers are critical to maintain a working Brigade. Time is a critical factor in firefighting. It takes 15 minutes from ignition to destruction of a home. Fires move fast and the cost to Government and Community is significant. Bowdens have a policy that no employees are permitted to occupy Bowdens owned residences. What this does is removes persons connected to the area. If they live and work here, they connect. Those people that are connected join the RFS.

Lue Havilah is a needs-based brigade. People volunteer because they have something to lose. Evidence is that Lue Havilah Brigade is stronger than the Brigade of the Town of Rylstone. Lue Brigade members are required to travel long distances to where Mines have eroded communities and there are no longer any volunteers. Such as Bylong and Wollar.

None of the above issues have been addressed by the DPE in its assessment and subsequent recommendations.

Conclusion

I could go on forever, pages and pages of issues but I hope you get the picture. I think, what we have learnt and now have a major concern about is that the DPE is following the Governments policy to encourage mines rather than its obligation to itself and community to properly assess the application. In doing so is putting both the community and the government at risk. The risk is to clean up the mess and compensate the affected.

Mr Nick Warren from RW Corkery gave assurances at the IPC Hearing that there would be,

- a) No impact to water
- b) No impact from lead dust
- c) No impact to tourism or agriculture

From these assurances, if in fact it was identified or defined that there were impacts to landowners and business, that Bowdens should be required, as a condition of consent, at the option of the landowner, to acquire the impacted property or business at a premium to be determined. In other words, I respectfully ask for the Commission to ask them to put their money where their mouth is.

The DPE consistently recommends that plans be created in their assessment. This will cause the failure to properly consider the Environmental, Social and Economic impacts of the project before approval. This will leave the surrounding Landowners, Business and Residents out on a limb until these plans are created and then leave them no recourse. This is unacceptable.

It looks like, and I believe, the IPC and the community, have been thrown a hospital pass. I have been involved in this project for over a decade. On balance, considering the information we have, considering the local land uses, considering the environmental risks, the economic advantages and disadvantages, and the social impacts, I respectfully recommend that the suitable action in this case to be a refusal of the project.

The Proponent has had 7 years to rigorously assess the impacts with local data, provide solutions and address the primary problems and concerns. They haven't, they have continued down the line of conventional mining practices ignoring the potential impact and have provided no solutions. Blind Freddy can see the numbers and the plan is flawed. In fact, according to the DPE, they don't have a plan, these will be created later. Some solutions even suggested during the IPC hearing. Panning on the run. They failed, they had their opportunity to get it right and they failed.

My family have carefully managed and protected our lands to provide sustainable outcomes for over 100 years. We are 5 generations strong. We expect to continue and have planned to continue. I am a custodian of an intergeneration farm. Imagine what it would feel like to listen and watch your neighbors blow up and poison the very environment you have sought to protect. To be booed and hissed at by people that live elsewhere, poised to reap the rewards of an unsustainable and toxic project, whilst they undergo no actual adverse impact themselves. They use the argument that Silver will save the world while behind the curtain they poison the very environment they claim they are protecting. An abomination for all those that care about Landcare and sustainability. It is train wreck that must be stopped to gain any chance of sustainability. If we are to live on we must stop these kinds of projects and begin a transition. A transition to a cleaner and greener way of life. It is not sensible or reasonable to drop a project like this right in the middle of a highly productive area full of people and claim "this is the future." It is not responsible to do it anywhere.

This is in a greenfield area right next to a village and while the company brags about how it is the Largest Undeveloped Silver deposit in Australia and one of the largest in the world, they cut corners, penny pinching and claiming things were too hard, too hard to do the right thing.

The positive is that if this project is refused, the silver, zinc and lead will stay there. It's not going anywhere, and I guess sometime in future a bunch of smart people might come along with smart ways to get it out. They may find ways to get larger percentages of the ore, process it at a site that uses common sense, without taking all the water, without impacting those around them, without polluting the environment and without leaving a mess behind them. At the same time, they'll produce secure jobs, royalties for government and wealth for all.

Finally, for 58 years I've watched while the world grapples with the destruction of the environment, with promises from decision makers that "we will fix it". They haven't yet but here is another chance now, another chance to protect the environment and send a message. Send a message to these companies that they cannot destroy the environment and surrounding community and leave a mess.

These decisions are in your hands, I wish you all the best with your decision.

Tom Combes.